

### **REMARKS**

The Office Action mailed October 6, 2003 has been carefully reviewed and, in view of the above amendments and following remarks, reconsideration and allowance of the application are respectfully requested.

#### **I. Summary of Claims**

Claims 58-80 are currently pending in the application, with claims 58, 66, and 71 being independent claims. Claims 1-57 are cancelled; claims 71-80 are added; and claims 58 and 66 are amended, in accordance with the above amendments.

#### **II. The Applied Prior Art**

The claims were rejected over various references, either alone or in combination, including: (1) International Publication Number WO 91/10376 (hereafter referred to as the PCT Application); (2) U.S. Patent Number 5,383,290 to Grim (hereafter referred to as Grim); and (3) U.S. Patent Number 5,313,717 to Allen et al. (hereafter referred to as Allen).

The PCT Application discloses an article of footwear having an upper and a sole. One or more sacs are located within the sole, and one or more ducts extend from each sac. The ducts are positioned on an exterior of the upper, and the ducts are in fluid communication with the sacs. One-way valves may be positioned within the ducts to direct fluid flow.

Grim discloses an article of footwear having an upper and a sole. In one embodiment, the sole includes a bladder with zones that extend onto sides of the upper. The bladder is filled with material, such as small spherical particles. A vacuum pump is connected to the bladder and is actuated by running or walking to evacuate air from the bladder. Furthermore, a conduit having a valve is secured to the bladder to replenish the evacuated air.

Allen discloses fluid-filled bladders that are located in the forefoot, arch, and/or heel areas of an article of footwear. The bladders are interconnected by channels that extend between the various bladders.

### **III. The Claims Patentably Distinguish Over The Applied Prior Art**

Independent claims 58, 66, and 71 each recite the features of an article of footwear that includes a fluid-filled bladder. The bladder includes a sole portion and a foot portion. In each of the claims, the sole portion is generally positioned within the sole assembly of the footwear, and the foot portion extends outward from the sole portion. The foot portion includes a first surface and an opposite second surface, the first surface generally facing an interior of the footwear, and the second surface facing outward from the footwear. In addition, at least one bond is formed between the first surface and the second surface.

In contrast with the PCT Application, Grim, and Allen, independent claims 58, 66, and 71 recite that a bond is formed between the first surface and the second surface of the foot portion. The PCT Application discloses various tubes that extend along sides of the upper, and the tubes are not disclosed as having a bond between opposite sides. Grim discloses a structure with portions 86 and 87, which the Examiner analogizes to the foot portion. Referring to Figure 8, portions 86 and 87 are not disclosed as having bonds between opposite surfaces. Similarly, this feature is not disclosed in Allen. Accordingly, the applied prior art (either alone or in combination) does not teach or suggest each of the features of independent claims 58, 66, and 71. Applicants submit, therefore, that independent claims 58, 66, and 71 are allowable over the applied prior art, and that dependent claims 58-65, 67-70, and 72-80 are also allowable for at least the same reasons.

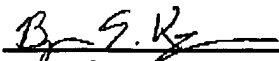
### **IV. Conclusion**

In view of the foregoing, the Applicants respectfully submit that all claims are in a condition for allowance. The Applicants respectfully request, therefore, that the rejections be withdrawn and that this application now be allowed.

This Amendment is being timely filed by facsimile transmission on December 10, 2003 with a Request for Continued Examination. Should additional fees or an extension of time be deemed necessary for consideration of this Amendment, such fees or extension are hereby requested and the Commissioner is authorized to charge deposit account number 19-0733 for the

payment of the requisite fee. If anything further is desirable to place the application in even better form for allowance, the Examiner is respectfully requested to telephone the undersigned representative at (503) 425-6800.

Respectfully submitted,

By:   
Byron S. Kuzara  
Registration No. 51,255

Banner & Witcoff, Ltd.  
1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Telephone: (202) 824-3000

Dated: December 10, 2003